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DELTAGEN, INC.
1031 BING STREET
SAN CARLOS CA 94070

In re Application of :
Catherine Guenther et al :
Serial No.: 10/005,169 : PETITION DECISION
Filed: March 28, 2002 :
Attorney Docket No.: DGEN-0687 :

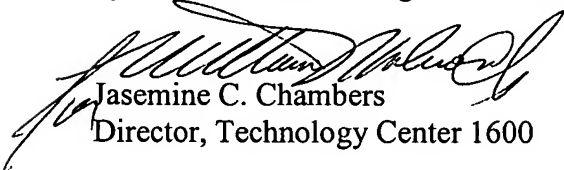
This is in response to the petition under 37 CFR 1.181, filed September 17, 2004, requesting withdrawal of abandonment based non-receipt of an Office action. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed an Office action to applicants on September 8, 2003, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of abandonment mailed August 26, 2004. Applicants provide statements and docket records indicating non-receipt of the Office action. In view thereof the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for mailing of a new Office action.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.


Jasmine C. Chambers
Director, Technology Center 1600